

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7010

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSE NACACIO AMU,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. James C. Cacheris, Senior District Judge. (CR-97-40; CA-03-601)

Submitted: September 9, 2004 Decided: September 16, 2004

Before WILKINSON, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jose Nacacio Amu, Appellant Pro Se. Jennifer Marie Hoefling, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Jose Nacacio Amu seeks to appeal the district court's order denying his motion for reconsideration of the denial of his motion to amend his pending 28 U.S.C. § 2255 (2000) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Amu seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny Amu's motion to proceed in forma pauperis, and we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED